

R E M A R K S

Reconsideration of this application is respectfully requested.

Claims 1, 4-6, 9-13, 15 and 17 were rejected under 35 USC 102 as being anticipated by USP 4,231,699 ("Thompson"); claims 7 and 11 were rejected under 35 USC 103 as being obvious in view of the combination of Thompson and USP 3,920,081 ("Terai et al"); and claims 8 and 13-17 were rejected under 35 USC 103 as being obvious in view of the combination of Thompson and USP 6,637,111 ("Sasaki et al"). These rejections, however, are respectfully traversed.

Re: Response to Arguments

On page 5 of the Office Action, the Examiner asserts: (i) that Thompson discloses the cast steel elements of the claimed present invention, and (ii) that the "method of construction does not result in a structural difference and thus is not considered patentable [sic] distinct in the art of excavator frames since both method of welding together and casting are commonly used."

It is respectfully pointed out, however, that as explained in more detail below, Thompson does not, in fact, disclose cast steel legs as recited in independent claims 1 and 5.

In addition, it is respectfully pointed out that the Examiner's second statement ignores the detailed evidence of

structural differences between sheet and cast steel supplied with and discussed in the Amendment filed on August 18, 2006. Indeed, as explained in more detail below, the primary reference relied upon by the Examiner (Thompson) recognizes that cast steel and plate steel are different and explicitly states that the legs thereof are formed using steel plates, not that the legs are cast steel legs.

Accordingly, it is respectfully submitted that independent claims 1 and 5 and all of the claims depending therefrom clearly patentably distinguish over the prior art of record.

Re: Claim 1

According to the present invention as recited in independent claim 1, a crawler frame for a construction machine is provided which comprises: a center frame including: (i) a central frame section for supporting a swing bearing and (ii) cast steel legs respectively located at right and left sides of the central frame section; and track frames disposed at distal ends of the respective legs of the center frame. According to independent claim 1, moreover, each of the cast steel legs is bifurcated into front and rear separately cast, cast steel leg sections. And according to amended independent claim 1: a base section of each leg has a two-part structure; a base section of the front leg section of each leg is securely welded to a base

section of the rear leg section of the leg; and the base section of each leg is securely welded to the central frame section.

The Examiner contends that Thompson discloses legs for connecting a central frame section to track frames, wherein the legs are cast steel. The Examiner further reasons that the recitation of "cast steel" necessarily includes sheet steel. It is respectfully pointed out, however, that Thompson explicitly discloses that the legs are formed from steel plates. And it is respectfully pointed out that it is clear even from the disclosure in Thompson that cast steel is not considered to be the same as steel plates.

More specifically, Thompson clearly discloses that cast steel and plate steel are considered to be different, even in the portion of Thompson cited by the Examiner. For example, Thompson discloses at column 4, lines 26-30:

Annular corner castings 63 consists of a plurality of arcuate cast segments welded together in end-to-end relation. Bottom wall 51, circular rib 53 and upper wall 64 are formed of arcuate steel plate segments welded together and to the center journal housing (emphasis added).

Thus, Thompson specifically discloses that certain portions of the structure thereof are formed from cast steel and that other portions of the structure thereof are formed from plate steel. Accordingly, it is respectfully submitted that even the disclosure of Thompson cited by the Examiner implicitly recognizes that cast steel is not the same as plate steel.

Moreover, Thompson discloses that leg sections 45-48 thereof are formed from plate steel. For example, Thompson discloses that bottom 65, top 68 and sides 66 and 67 of leg section 46 "are of steel plate construction" (column 4, lines 57-58), and that "such plates are welded together and to" the central structure shown in Figs. 2 and 3 (e.g., to portions of elements 51, 53, 63) to form leg 46 (column 4, lines 58-61).

Thus, Thompson discloses that leg section 46 (and the other leg sections 45, 47 and 48 - see column 4, lines 33-34) is formed using plates of steel. And Thompson recognizes that steel plates are different from cast steel, even in the portion of Thompson cited by the Examiner, as pointed out above. In this connection, moreover, it is noted that the differences between sheet and cast steel were explained in detail in the Amendment filed on August 18, 2006.

Accordingly, it is respectfully submitted that Thompson clearly does not disclose, teach or suggest a center frame comprising a central frame section and cast steel legs for connecting the central frame section to the track frames, as according to the present invention as recited in independent claim 1, wherein each of the cast steel legs is bifurcated into front and rear separately cast, cast steel leg sections, as recited in independent claim 1.

It is respectfully pointed out, moreover, that Thompson also clearly does not disclose, teach or suggest the features of the present invention as recited in independent claim 1 whereby a base section of each leg has a two-part structure; a base section of the front leg section of each leg is securely welded to a base section of the rear leg section of the leg; and the base section of each leg is securely welded to the central frame section.

That is, as recognized by the Examiner, Thompson discloses leg sections 45-48, in which leg sections 45-46 could be considered to correspond to one "leg" (including front and rear legs sections) and in which leg sections 47-48 could be considered to correspond to another leg (including front and rear leg sections).

It is respectfully pointed out, however, that according to Thompson, leg section 45 does not have a base section that is welded to a base section of leg section 46. And leg section 47 does not have a base section that is welded to a base section of leg section 48.

Accordingly, it is respectfully submitted that Thompson clearly does not disclose, teach or suggest the structure of the bases of the legs of the present invention as recited in independent claim 1, whereby, in particular, a base section of the front leg section of each leg is securely welded to a base section of the rear leg section of the leg.

Re: Independent Claim 5

According to the present invention as recited in independent claim 5, a crawler frame for a construction machine is provided which comprises: a center frame including: (i) a central frame section for supporting a swing bearing and (ii) cast steel legs respectively located at right and left sides of the central frame section; and track frames disposed at distal ends of the respective legs of the center frame. According to independent claim 5, moreover, each of the cast steel legs is bifurcated into front and rear separately cast, cast steel leg sections. And according to independent claim 5, each of the front and rear leg sections of each leg comprises a vertical wall which is formed from cast steel and which is integral with a base section of the respective one of the front and rear leg sections.

As explained hereinabove with respect to independent claim 1, Thompson discloses that leg section 46 (and the other leg sections 45, 47 and 48 - see column 4, lines 33-34) is formed using plates of steel. In addition, Thompson recognizes that steel plates are different from cast steel, even in the portion of Thompson cited by the Examiner. And the differences between sheet and cast steel were explained in detail in the Amendment filed on August 18, 2006.

Accordingly, it is respectfully submitted that Thompson clearly does not disclose, teach or suggest a center frame

comprising a central frame section and cast steel legs for connecting the central frame section to the track frames, as according to the present invention as recited in independent claim 5, wherein each of the cast steel legs is bifurcated into front and rear separately cast, cast steel leg sections, as recited in independent claim 5.

It is respectfully submitted, moreover, that Thompson merely discloses circular rib 53 which is formed from arcuate steel plate segments (column 4, lines 28-30) in the lower frame section 44. Accordingly Thompson also clearly does not disclose, teach or suggest the feature of the present invention as recited in independent claim 5 whereby each of the front and rear leg sections of each leg comprises a vertical wall which is formed from cast steel and which is integral with a base section of the respective one of the front and rear leg sections.

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In view of the foregoing, it is respectfully submitted that Thompson clearly does not disclose, teach or suggest the features of the present invention as recited in independent claims 1 and 5.

It is respectfully submitted, moreover, that Terai et al and Sasaki et al are no more pertinent to the claimed present invention than Thompson.

Accordingly, it is respectfully submitted that the present invention as recited in independent claims 1 and 5, and dependent claims 4, 6-13, 15 and 17, clearly patentably distinguishes over Thompson, taken singly or combination with Terai et al and/or Sasaki et al, under 35 USC 102 and 35 USC 103.

Allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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